

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

ANTHONY REBMANN,

Plaintiff,

v.

ASTEC, INC. d/b/a ASTEC OF  
TENNESSEE, and ASTEC INDUSTRIES,  
INC.

Defendants.

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Case No.: 1:21-CV-00879

**PARTIES' JOINT RULE 26(f) REPORT AND DISCOVERY PLAN**

Counsel of record for the parties participated in a Federal Rule of Civil Procedure 26(f) conference on September 8, 2021. Pursuant to Rule 26(f), the parties jointly submit this Report and Discovery Plan. A proposed scheduling order is attached as **Exhibit 1**.

**DISCOVERY PLAN**

**A. Applicable changes proposed in the timing, form, or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made;**

The parties do not anticipate any changes in the timing, form, or requirements for disclosures under Rule 26(a). The parties will submit initial disclosures no later than **September 22, 2021**.

**B. Subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;**

The parties see no need to limit discovery to issues or phases at this time. Subjects on which discovery may be needed include the following:

1. The manner in which Plaintiff's alleged injuries occurred;

2. The facility and/or premises where the alleged incident occurred;
3. Medical information relevant to Plaintiff's alleged injuries and damages;
4. The design, manufacturing, and assembly of the equipment in question;
5. The factual bases for Plaintiff's claims as set forth in the Complaint;
6. The defenses set forth in Defendants' Answer;
7. Expert and other opinion testimony;
8. Other topics within the scope of Rule 26(b).

**C. Issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;**

The parties at this time do not anticipate any unique issues arising from requests for production of electronically stored information. Should such issues arise, the parties will confer regarding the appropriate form or manner of production. The parties agree that electronically stored information will be preserved in accordance with applicable policies and the Federal Rules of Civil Procedure.

**D. Issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production— whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502;**

Discovery in this case may involve confidential, proprietary, private, or personal information. If the parties request or seek to use such information, they will confer over subjecting such production to an appropriate protective order.

**E. Applicable changes or limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed;**

The parties propose no such changes at this time.

**F. Other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).**

The parties propose no other orders at this time.

Dated: September 14, 2021

Respectfully submitted,

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